

Rainey, Scarborough, Schleicher, Shepard, Stockdale, Throckmorton, Townes, Walker and Whaley—29.

NAYS—Mr. Hart—1.

On motion of Mr. Hart, the Senate adjourned until 10 o'clock A. M., to-morrow.

THURSDAY, January 26th, 1860.

Senate met pursuant to adjournment. Prayer by the Chaplain—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Parsons presented the petition of Robt. Wood for land. Referred to the committee on the Court of Claims.

Mr. Fall, chairman of the committee on Engrossed Bills, reported a bill to incorporate the Navarro county Agricultural and Mechanical Association, correctly engrossed.

Mr. Grimes, chairman of the committee on Finance, to whom was referred a House bill for the relief of William Drake, reported the same to the Senate and recommended that it do not pass. The bill permits the said Drake to peddle goods without paying a license therefor, which the committee believe to be impolitic and unconstitutional.

Mr. Potter, chairman of the committee on the Judiciary, to whom was referred a House bill to release Catherine O. Wells and others (13 in number) from the disabilities of minority, also a House bill to release Thomas D. Rusk of Nacogdoches county and John W. Hardard of Lavaca county from the disabilities of minority, also a Senate bill to release John F. Mills from the disability of minority, reported that for reasons heretofore given on like bills they recommend that they do not pass.

Mr. Walker, chairman of the committee on Public Lands, made the following report:

The committee on Public Lands have considered the bill to authorize pre-emption settlers to float their claims in certain cases; the committee instruct me to return the bill to the Senate with the following amendments, and to recommend the adoption of the amendments and the passage of the bill as amended.

Amend the first section by adding the following proviso thereto, to-wit:

Provided that the benefits of this act shall only extend to pre-emptionists heretofore settled, and who have remained in peaceable possession of their claims for land for five years.

Mr. Stockdale, chairman of the committee on Enrolled Bills, made the following report:

The committee on Enrolled Bills, have examined the following bills :

A bill to authorize and require the clerks of the district courts of Titus, Travis and San Augustine counties to apportion the causes on the dockets of said courts.

A bill to incorporate the Prairie Lea Female Institute located at Prairie Lea.

A bill to amend an act amendatory of and supplemental to an act to encourage the improvement of the navigation of the rivers and other navigable waters of Texas by making appropriations for the same, approved 23rd August, 1856.

A bill to incorporate the McKinzie Male and Female College.

A bill making an appropriation to pay Assessors and Collectors for taking the Scholastic census for the year 1859.

A bill to incorporate the Jacksonville and Neches Bridge Company.

A bill to repeal the 17th section of an act to regulate Railroad Companies, approved February 7th, 1857.

A bill to incorporate the San Antonio Gas Company. They found the same correctly enrolled and properly signed and were presented on this day to the Governor.

Mr. Blanch, from the committee on Internal Improvements, made the following reports :

The committee on Internal Improvements, to whom was referred a bill to authorize the Southern Pacific Railroad Company to construct a branch road in the direction of Shreveport, Louisiana, and also a bill to authorize the Southern Pacific Railroad Company to connect with other roads, have instructed me to report as a substitute for the same, the accompanying bill entitled an act supplementary to an act to amend the caption and the first and sixteenth sections of an act to incorporate the Texas Western Railroad Company, approved February 16th 1852, passed August 16th, 1856.

Mr. Quinan, chairman of the committee on Education, to whom was referred a bill to establish and incorporate a Literary Institution at the town of Gilmer in the county of Upshur, reported the same to the Senate and recommend its passage.

Mr. Quinan, chairman of the committee on Education, to whom was referred the bill to incorporate the Nacogdoches Histrionic Association, reported the same to the Senate for their consideration.

A message was received that the House had passed a bill to amend an act to incorporate the Herman University, approved 27th January, 1844.

A bill to revive and continue in force an act to incorporate the Jefferson Railroad Company, approved February 2nd, 1854.

And a bill granting a pension to Charles Shepard.

On motion of Mr. Chambers, a bill to create the county of Marion was taken up, read 2nd time.

Mr. Chambers offered a substitute which was adopted.

Mr. Hart moved to make the bill special order for Monday next, 30th inst. Lost.

The question being on the engrossment was then taken and carried by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Duggan, Fall, Gentry, Grimes, Hyde, Lott, Martin, Paschal, Pitts, Potter, Quinan, Rains, Scarborough, Schleicher, Stockdale, Townes, Walker, Wallace and Whaley—22.

NAYS—Messrs. Dickinson, Erath, Guinn, Harman, Hart, Herbert, Sims and Throckmorton—8.

On motion of Mr. Hart, the House bill to amend the 4, 8, 15 and 18 sections of an act to provide for the assessment and collection of taxes, was taken up, read 1st and 2nd times and referred to the committee on Finance.

Mr. Throckmorton introduced the following resolution :

Resolved, That William Carleton, be and he is hereby recognised and declared the Reporter of the Senate, and that he receive the usual pay of five dollars per day for the whole session, which was rejected by the following vote :

YEAS—Messrs. Britton, Duggan, Gentry, Hyde, Paschal, Scarborough, Schleicher, Shepard, Throckmorton, Townes, Walker and Whaley—12.

NAYS—Messrs. Chambers, Dickinson, Erath, Fall, Grimes, Guinn, Harman, Hart, Herbert, Lott, Martin, Parsons, Pitts, Potter, Quinan, Rains, Sims, Stockdale and Wallace—19.

On motion of Mr. Throckmorton, a bill to amend an act to incorporate the Sabine and Rio Grande Railroad Company was taken up and the amendments of the committee, adopted.

Question being on the passage of the bill to a 3rd reading.

Mr. Paschal moved a call of the House, which was sustained.

On motion of Mr. Hart, the call was suspended.

And on motion of Mr. Throckmorton, the bill was made the special order for Saturday 28th, inst.

ORDERS OF THE DAY.

A bill providing for the election of Representatives to the Congress of the United States. Read 2nd time.

Mr. Potter offered the following amendment which was adopted:

In line 1st, section 2, after "1861," insert or at such other time in said year as the Congress of the United States may previous to said first Monday in August, 1861, by law provided.

Mr. Erath offered the following amendment:

That if the apportionment for Congress of the United States, Texas shall be entitled to four Representatives, then two of said Representatives shall be elected in each of the Congressional Districts as they now exist, and if Texas should be entitled to five members of Congress two shall be elected in each district and the fifth shall be elected by the whole State and should Texas be entitled to six members then three shall be elected by each of the present Congressional Districts, which on motion of Mr. Stockdale was laid on the table by the following vote:

YEYS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Fall, Grimes, Guinn, Harman, Herbert, Hyde, Lott, Parsons, Pitts, Potter, Quinan, Scarborough, Shepard, Sims, Stockdale, Throckmorton and Wallace—22.

NAYS—Messrs. Erath, Gentry, Hart, Martin, Paschal, Rains, Schleicher, Townes, Walker and Whaley—10.

Mr. Walker offered the following amendment:

Section. That in case Texas under the new apportionment hereafter to be made for members of Congress, two shall be resident citizens of the State living north of the line of 31° north latitude and the balance south of said line.

On motion of Mr. Hart, the bill and amendment was laid on the table by the following vote:

YEAS—Messrs. Erath, Fall, Gentry, Grimes, Hart, Herbert, Hyde, Martin, Paschal, Pitts, Rains, Schleicher, Stockdale, Throckmorton, Townes, Walker and Whaley—17.

NAYS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Guinn, Harman, Lott, Parsons, Potter, Quinan, Scarborough, Shepard, Sims and Wallace—15.

Mr. Quinan, chairman of the committee on Education, reported a bill to incorporate the German English School of San Antonio, with following amendments: and shall continue in force for twenty years and no longer.

On motion of Mr. Paschal, the bill was taken up.

On motion of Mr. Paschal, twenty was stricken out and thirty inserted.

The amendment was then adopted.

Mr. Hart moved a reconsideration. Carried.

The amendment of the committee was then adopted.

On motion of Mr. Potter, the rule was suspended, bill read 3rd time and passed by the following vote:

YEAS—Messrs. Britton, Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harman, Hart, Herbert, Hyde, Martin, Parsons, Paschal, Pitts, Potter, Quinan, Rains, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes, Walker, Wallace and Whaley—30.

NAYS—none.

Mr. Townes, by leave, made the following report :

The select committee, to whom was referred a bill to locate permanently the seat of justice of Tarrant county, respectfully report, that they believe the general law passed May 9th, 1838, which makes the county seats of all the counties in the State permanent when once located within five miles of their geographical centres, unless removed by a vote of two-thirds of the qualified electors, founded in wisdom, justice and good policy. It tends to give permanency to county seats, and confidence in the value of property within and around them. It checks frequent efforts to remove them induced by a speculative desire to build up other places and tends to keep down bitter feuds and existing local questions. The committee find that by virtue of the acts approved December 20th, 1849, and September 4th, 1850, and an election held under their provisions the county seat of Tarrant was located at Birdville which is within five miles of the centre of the county. By the general law it could not be afterwards removed without the concurrent vote of two-thirds of the electors of the county. Yet in contravention of this law the Legislature by a special act, passed August 25th, 1856, referred the removal of this county seat to a majority vote without even providing a mode of contesting the election. We do not hold that this act was a direct violation of the technical vested rights of the property holders in and about Birdville. But we find that it is unusual if not the single exception which has been made to the general law and we believe it unjust and oppressive. We find further from the report of the Senate committee on Counties and County Boundaries, made November 30th, 1857, and from testimony adduced before us, that the election held on the 1st Tuesday in November, 1856, was carried by illegal votes, and the wrong begun by unjust legislation was consummated by unqualified voters. The committee further report that if the people of Tarrant were now satisfied with the result of this election and the removal of the county seat no further action on this subject should be had by the Legislature. But they believe a majority of the people still aroused and indignant, and the best mode of stopping agitation on this vexed question, and restoring peace and quiet is to repair the wrong which has been done, by

placing back the county seat at Birdville. Should two-thirds of the qualified electors afterwards remove it, the removal will then be fairly made, and the defeated party having no right to complain will probably acquiesce without further agitation. The committee therefore instruct me to report back the bill and unanimously recommend its passage.

Mr. Stockdale, chairman of the committee on Enrolled Bills, reported a bill to empower the Mayor, Aldermen and inhabitants of the city of Galveston to issue bonds for the construction of a Bridge from the Island of Galveston to the main land, &c., correctly enrolled properly signed and was this day presented to the Governor.

A bill to reorganize the Court of Claims, being the special order. Read 2nd time.

Mr. Guinn moved to strike out the 18 and 19 sections and to strike out of the caption of the bill the words "and money."—Carried.

Mr. Erath moved to strike from section 3 the words "the colonization laws of Coahuila and Texas or the constitution and." Adopted.

The bill was then ordered to be engrossed.

On motion of Mr. Guinn, the rule was suspended, bill read 3rd time and passed.

On motion of Mr. Harman, Mr. Erath was added to the committee on the Court of Claims.

Mr. Hyde introduced the following resolution :

Resolved, That the Senate hold evening sessions and that no business shall be entertained except private bills during such sessions, and that each Senator shall have the right to call up one bill as his name is called in alphabetical order. Laid over one day.

On motion of Mr. Chambers a bill authorizing the corporate authorities of the town of Dangerfield to tax ten pin alleys, was taken up. Read 2nd time and ordered to be engrossed.

On motion of Mr. Gentry, the rule was suspended, bill read 3rd time and passed.

On motion of Mr. Scarborough a bill to establish the time of holding courts in the twelfth judicial district, was taken up, read 2nd time, and ordered to be engrossed.

On motion of Mr. Schleicher, the rule was suspended, bill read 3rd time and passed.

On motion of Mr. Britton the Senate adjourned until 1-2 past 7 o'clock, P. M.

7 1-2 O'CLOCK, P. M.

Senate met—roll called—quorum present.

Mr. Lott moved to take up a bill for the relief of Andrew Mason, assignee of Robert H. Andrews. Carried.

Bill read and passed to a third reading.

On motion of Mr. Lott the rule was suspended, bill read 3rd time and passed.

On motion of Mr. Britton, a bill to incorporate the Texas and Mexican Railway Company was taken up. Amendments proposed by the committee on Internal Improvements were adopted.

Mr. Britton moved to strike out the words "or satisfactorily secured." Adopted, and bill passed to a 3d reading.

On motion of Mr. Britton, the rule was suspended, bill read a 3d time and passed by the following vote :

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Erath, Fall, Gentry, Grimes, Guinn, Herbert, Hyde, Lott, Martin, Parsons, Pitts, Potter, Rainey, Scarborough, Schleicher, Shepard, Sims, Stockdale, Townes, Walker and Wnaley—25.

NAYS—Mr. Duggan—1.

A message was received that the House had passed the following bills :

A bill to incorporate the Trinity Valley Railroad Company.

A bill for the relief of William De Woody.

A bill to grant to B. B. Francis the right to build a bridge.

A bill for the relief of the heirs of William L. Fleming, a settler in Mercer's Colony.

A bill for the endowment of Professorships in the Colleges, Academies, &c., of Texas.

A bill for the relief of Sarah Mills.

A bill for the relief of Richard B. Wardrop.

A bill for the relief of John F. Wilson, T. H. Robertson and the heirs of Mark Copeland, deceased.

A bill appropriating five leagues of land to each county of the State for the support and maintenance of free public schools, and a Senate's bill, to incorporate the Columbus Tap Railway company, with an amendment, and that the House had appointed Messrs. Nelson, (chairman) Hubbard and Mills a committee of conference on the bill to pay certain persons for arresting and bringing John T. Shanks to justice.

Also a House bill for the relief of Thomas S. McFarland.

Mr. Townes, from the committee on the Judiciary, to whom was referred the memorial of Shelley and Carrington, reported the accompanying bill :

A bill to grant land to N. G. Shelley, W. H. D. Carrington and William Alexander. Read 1st time.

Mr. Shepard, by leave, presented the petition of John T. Brown, for money referred to the committee on Claims and Accounts.

Mr. Townes, by leave, introduced a bill for quieting the title to real estate in the city of Austin. Read 1st and 2nd times and referred to the committee on the Judiciary.

On motion of Mr. Stockdale, a bill to amend the act to Incorporate Paines Female Institution was taken up. Read 2nd time and passed to a 3rd reading. Rule suspended on motion of Mr. Stockdale, bill read 3rd time and passed by the following vote:

YEAS—Messrs. Blanch, Britton, Chambers, Dickinson, Duggan, Erath, Fall, Gentry, Grimes, Guinn, Harman, Herbert, Lott, Martin, Parsons, Pitts, Potter, Quinan, Ruess, Rainey, Scarborough, Schleicher, Shepard, Sims, Stockdale, Throckmorton, Townes, Walker and Whaley—29.

NAYS—none.

On motion of Mr. Throckmorton, a bill for the relief of Edward Hall, was taken up. Read 2nd time and ordered to be engrossed. Rule suspended read 3rd time and passed.

On motion of Mr. Pitts, a bill to legalize the marriage of C. B. and M. E. Wood, was taken up. Read and passed to a 3rd reading, rule suspended, read 3rd time and passed.

On motion of Mr. Erath, a bill to make an appropriation to pay for services of Capt. Williams' Company of Rangers on report of the committee on Indian Affairs, offering a substitute, was taken up. Read 2nd time.

Mr. Quinn offered the following amendment:

Add at end of 2nd section, provided no money shall be paid under the provisions of this act unless, proof is first made to the satisfaction of the Comptroller that the supplies were furnished to Capt. Williams while acting under the lawful authority of the Governor and duly commissioned by him and in actual service by his orders.

Mr. Walker moved the previous question, which the Senate refused to order.

Mr. Rainey moved to adjourn until to-morrow morning, 10 o'clock, A. M. Lost.

On motion of Mr. Gentry, the Senate adjourned until 5 minutes to 10 o'clock, A. M., to-morrow.